	B	C	D	E	F
1	company	Question 1	1 - Atty or Small Business	Owner	TM?
2	HUNT Dimming	Responding to your request for information concerning "Trademark Bullies", I might just be your bullied poster child	Small Business	0	0
3	Solex / Applied Solar Energy	Trademark owner. 2 trademark applications, for "Little Dogs of Bali" and for "Private Planet".	Small Business	Owner	2
4	0	I have had experience with a large amount of TM Holders making broad threats & using their Trademarks to bully me....	Other	0	0
5	Rainining Penguins, LLC	We, Raining Penguins, are now effectively out of business because of PEI Licensing's legal threats. We do appreciate this opportunity to respond to this survey & hope that our input may be useful to creating a better process that protects fledging businesses from trademark bullies, such as PEI Licensing.	Small Business	Owner	3
6	0	See 3 emails: large output and Q&A from the USPTO	Other	0	0

	B	C	D	E	F	
8	"RanchLady"		Small Business	0	0	
9	American University Washington College of Law	HUGE response/attachment	Professor	0	0	
10	President, Fancaster Inc	We are a trademark owner and a South Dakota corporation headquartered in New Jersey. We own, have owned, or have applied for less than a dozen trademarks over the past 20+ years	Small Business	12	Owner	
11	0	Not a trademark owner. Husband and wife sole proprietorship - visual arts.	Small Business	0	0	
12	www.CurtisNeeley.com	I am a citizen involved in US Court for the Western District of Arkansas litigation currently. I have an interlocutory appeal that will be in the Supreme Court orders tomorrow. It may be denied and would impact the case absolutely none at all. It is not likely to be denied.	Other	3	Owner	
13	Daniel R. Brault, LUTCF	WOM: Rock Art Brewery. . Agent, New York Life Insurance Company	Other	0	0	
		We own some trademarks (3-4) and have applied for a few more (4-				

	B	C	D	E	F
16	ebay	171 - active TM w/US 910 - active TM w/internationally 171- active TM w/US 910 - active TM w/internatiaonlly 155- trademark registrations US 958-TM internationally	Small Business	Owner	155
17	General Counsel, Continental Enterprises	Continental Enterprises is an intellectual property investigation and consulting firm, concentrating in the area of trademarks. Continental assists trademark holders with identifying and resolving instances of trademark infringement	Attorney	Owner	Representative
18	Registered Patent Attorney	am registered patent attorney sole practitioner in a small central Texas town. I have approximately 85 clients, most of whom are small business owners who cannot afford the services of most law firms. I have registered trademarks and service marks for approximately 25 of those clients.	Attorney	Representative	Representative
19	Erik M. Pelton & Associates, PLLC	HUGE response/attachment	Attorney	Representative	Representative

	B	C	D	E	F	
22	Renewable Energy Systems, LLC		Small Business	0	0	
23	General Counsel, Internet Commerce Coalition DLA Piper US LLP	HUGE response/attachment	Attorney	Representative	0	
24	Merchant & Gould P.C	HUGE RESPONSE : AND LIT #S	Attorney	Representative	4000	

	B	C	D	E	F
25	0	**WOM: Rock Art Brewery**	**Other**		
26	0	"missnudeteenuniverse.com - Responding to "bullied by big corp." Not long after I registered the domain, I recieved the attached. The domain is dormant/not being used. Currently, a search of similar/like kind trademark returns a list 50+ simialr. Search "Miss Universe."	**Small Business**		1
27	Chief Sustainability Officer & PartnerRimon Law Group	I have been a licensed trademark attorney since 1998. I head the IP practice at a small, virtual law firm named Rimon Law Group. My practice currently handles appx 300 LIVE PTO records, which I hope will double in 2011.	**Attorney**		4
		Submitted by Leslie C. Ruiter, 20-year Trademark Practitioner,			

	B	C	D	E	F	
29	Santangelo Law Offices, P.C.	I am a trademark practitioner in a 8 attorney firm who represents both smaller and larger firms as plaintiff and defendant in infringement, opposition, and cancellation proceedings. Particularly notable is that we have taken infringement cases involving small business parties to trial before judges and juries, and also in appeal in the federal court system.	Attorney		Many	
30	[illegible]	My name is Mark Gould; my wife is Mary Domito. We live and work in Taos, New Mexico, a small mountain town in the northern part of the state. In the second quarter of 2008, we applied for and were granted one registered trademark - Toto Home - by the New Mexico Secretary of State. We had no intention/means of ever operating outside the state of New Mexico so we registered our trademark at the state level only. A search by the NM Secretary of State's office found no conflicting trademarks and we believed we had met all the necessary trademark requirements. We still believe this to be the case. Legally I am the owner/president of an "S" Corporation (Toto Home Inc.) dba Toto Home - a small retail furniture store that sells mattresses, sofas, and home accessories. Toto Home opened in May 2008. I invested my life's savings in this store, however Mary - who is legally deaf - is the true heart, soul, and energy of our small business - she manages it, makes all major decisions, and works at the store in various capacities. Toto Home employs one full-time and one part-time sales-person. Our store will generate annual gross	Small Business			1
31	Thompson Coburn LLP	HUGE response/attachment & pictures of logo's	Attorney		Many	

	B	C	D	E	F
33	Computer & Communications Industry Association	HUGE response/attachment	Small Business		1
34	cc' David Nieves	joe public	Small Business		0
35	Appellant Pro-Se / In Forma Pauperis	WAY to much info/dyke claim	N/A		0
36	Datassurant, Inc.	attachment	Small Business		0
37	Manager, External Relations - U.S. International Trademark Association (INTA)	HUGE response/attachment	Small Business	Many	
38	0	I was sued by Monster Cable Products for registering the web site monster.biz for the purpose of selling monster toys! The law suit was beyond absurd. Thankfully they got so much bad press that they dropped the case. I served them with a bill and they paid it. Details can be found here along with all documents:	Small Business		0
39	BELASCO JACOBS & TOWNSLEY, LLP	I am a patent and trademark practitioner in a small firm. I have filed and prosecuted over 100 trademark applications in my career including several oppositions	Attorney		100
40	0	HUGE response/attachment	Other		0
41	Butera & Andrews	attachment	Attorney		0

	B	C	D	E	F	
44	BEI Sensors	owner of a Trademark which we have been attempting to enforce through cease and desist letters. All of the companies that we have contacted have been cooperative except for one that insists our trademark is not valid and that they are not in violation. Unfortunately they have deep pockets and we do not. So we don't have enough "teeth" to make them comply.	Small Business	Owner		1
45	Ruberto Israel & Weiner	Wellness, Inc., ("Wellness") is a small company that promotes literacy and wellness skills for young children ages 3-8. Wellness is owner of approximately twelve trademarks which represent the various goods and services provided by Wellness designed to educate and help keep young children healthy. Wellness partners with and educates through non-profits, and is also a President's Challenge program. More information about Wellness can be found at www.alphabetfitness.org	Small Business			12
46	Katz Marketing Solutions	I am the trademark owner (amid opposition) of one mark, Katz Marketing Solutions. Given my experience in corporate brand management and as an Adjunct Professor of Brand Management, I have had many other experiences working with brands and trademarks	Small Business		Owner	
47	President & CEO	IntellApproach is a 100% Woman-Owned, Service-Disabled Veteran-Owned Small Business dedicated to applying innovative information technologies. I am currently in the process with my first trademark application for my company name, "IntellApproach" in class 36. I am a small company with capabilities in the Government arena for	Small			

	B	C	D	E	F
1	(b) (6)	***If the word 'entrepreneur' is part of your small-business name, then you may be in for trouble***	Small Business	Owner	Many
52	(b) (6)	A few years ago I had registered over 300 different domain names for various travel and hotel related websites I was developing and to connect them all to a central website, I registered a main site domain name "UNIVERSAL-HOTELS"	Small Business	0	0
53	(b)(6)		Small Business	0	0

	H	I
1	[redacted]	
2		
3		
4		
5		
6		

	H	I
8	[redacted]	
9		
10		
11		
12		
13		

	H	I
16	[redacted]	
17		
18		
19		

	H	I
22	[redacted]	
23		
24		

	H	I
25	[redacted]	
26		
27		

	H	I
29	[redacted]	
30		
31		

	H	I
33	[redacted]	
34		
35		
36		
37		
38		
39		
40		
41		

	H	I
44	[redacted]	
45		
46		

	H	I
51	[redacted]	
52		
53		

	K	L	M	
1	Question 6	YES NO Other		
2		n/a		
3	n/a	n/a		n/a
4		n/a		
5	Yes I definitely think that trademark bullies are a very significant problem. In our case PEI Licensing can effectively stamp out all start-up businesses that use the word penguin or penguin images on a product (as PEI Licensing feels that position is their absolute right) through threat of civil litigation. A review of penguin marks abandoned by small businesses that have been opposed by PEI Licensing illustrates a persistent pattern of overzealous and serial bullying by PEI Licensing.	Yes	Example: PEI Licensing	It is apparent to me that large Trademark Gazette for public the most remote way and ab oppositions and cease-and-d acts as an early warning sy possible so-called 'threats' to then use cease-and-desist le business with imminent thre can gain any traction in the n damaging to the future of ent that is purported to be the cr This behavior of overzealous employing retained attorneys create 'billable hours', is boy in the foot
6		n/a		

	K	L	M	
8		n/a		n/a
9		n/a		
10	Trademark bullies are clearly a problem and should be stopped. Due to the financial cost of defending cancellation actions by trademark bullies, including cancellation actions that are without merit, small companies and individuals are placed in a difficult position where surrender of valid trademarks that are being lawfully used is the only rational financially-feasible option available. We have already surrendered our *MOBILE VOTER* Trademark registration and now face the same inequitable dilemma concerning the cancellation action filed by Comcast et al concerning the incontestable *TARGET WIRELESS* Mark.	Yes	Mobile Voter	Aggressive litigation tactics a trademark area than in other
11		n/a		There are companies that re individuals into sending in pa everything they have and it w
12	I do not agree they even exist	No		If UDRPs are considered litig
13	trademark area seems to be an easy way for larger companies to try to squash small, upstart firms	Yes		Small firms don't have the m large company. The large co small company if the small c probably make it easier for th claim looks legitimate. I'm s wallet of the large company company
	Yes, trademark bullies are a problem and it is getting worse. With the class			Yes, lawyers are making mo protecting. We need the US protect the consumer (the bu

	K	L	M	
16	significant problem for trademark owners	Y		Yes. Obtaining settleme where the trademark infringi because defending parties a otherwise, or willing to deal w litigating a trademark dispute
17	No, we do not see trademark "bullying" as a legitimate issue. The trademark laws evolved as a means to encourage creativity and discourage copying. We have seen very few instances where a trademark owner acts outside the scope of the intended purpose of the law. To the extent that certain brand owners attempt to utilize trademark laws to disrupt or damage competition, or to illegitimately and preemptively clear a product category for future product entry, yes, this is an issue. However, not every trademark owner that performs its legal duty to protect its intellectual property against the unauthorized use by others via cease and desist letters, litigation or otherwise is a trademark "bully". True instances of "bullying" are relatively rare. These instances must not be allowed to restrict trademark owners from legitimately protecting the rights they have earned in their properties.	No		Many areas of civil law could defense, medical malpractic unwarranted to target the a litigation is not so much "ac order to successfully protect are required to actively pro marks. Performance of this c rather is the only way a trad Further, federal trademark r enforceable trademark right owners' valid and protectabl of valid unregistered marks needlessly "aggressive" or u
18		n/a		Yes. I think trademark "bulli owners. My personal statisti
19		n/a		THERE IS NO STATUTORY INFRINGEMENT CLAIMS. A artist can raise statutory defe trademark use; and/or (2) th

	K	L	M	
22		n/a		
23		n/a		
24		n/a		

	K	L	M	
25	From my reading of reports of "frivolous" trademark litigation, I believe it is a tactic being used by large corporations to attmept to stifle or limit apparent competition. In the case of Monster Beverage Co. vs. the Rock Art Brewery, I can not see where the use of a common word in the English language (monster) can be co-opted by a corporation such that no other entity may use the word without infringing on a copyright or trademark. In fact, Rock Art Brewery used the name "Vermonster" rather than calling their beverage "Monster." In my opinion, it is entirely frivolous for Monster Beverage Co. to have initiated a complaint based on the similarity between the two beverage names. I do not know how significant or widespread the problem is, but I believe it is an unfair business practice to bring frivolous litigation in order to drain the monetary resources of a company and to possibly cause the business to close.	Yes	Rock Art Brewery Vermonster Frivolous litigation	I have no relevant informatio trademark litigation vs. other
26		n/a		
27		n/a		

	K	L	M	
29	Response: Unquestionably they are a problem for the small business. The problem is very very significant and the tactic is widespread. Further we are confident that large companies frequently bank on the following metric/logic. If we infringe or over-assert rights against a small company, only 1 in 1000 will have the budget or moxy to defend against our onslaught and so if we get tabbed for our profits only in 1 out of 1000, we still get to keep our ill-gotten gains 999 times. Even then, courts don't understand this logic and will only view that 1-in-a-1000 event in isolation and we still come out ahead. Cool, go for it. Furthermore, I know that in an identical dispute when it is big company versus a big company, the metric is completely different and resolution and rights get candidly discussed with a focus on what the law provides, rather than what one can afford to assert/defend. Injustice is the result.	Yes	HUGE	Response: Yes because it is business owner and because running an even higher bill for
30	Yes, we believe that this type of "legal assault" is prevalent throughout the landscape of American business. In the context of "small business" we think it is unfortunately a common but seldom publicized occurrence as it is far less expensive for any small business to "fold" in the face of the huge legal costs involved rather than fight their case in court. We also believe this "bullying" tactic will only become more widespread as more corporations grow in size and financial power. It will become one of their better weapons to stifle any competition - both real and perceived. Corporations will hide behind the false veil of legitimacy provided by current Intellectual Property statutes, while utilizing these same states to intimidate, cripple, and eliminate smaller companies. To what extent this occurs right now, we have no idea.	Yes	Legal assault	As long as "aggressive litigat and not affordable/available t silence and eliminate any tra competitor - or that might bec future.
31		n/a		

	K	L	M	
33		n/a		
34		n/a		
35		n/a		
36		n/a		
37		n/a		
38	Yes. Very. I have had one particular Trademark owner bully me personally in the last couple of years. His name is Larry Levine and he owns a trademark on the phrase "Country Girl". He first contacted me indirectly by going to Zazzle.com corporate offi	Yes	Country Girl	huge
39	I think it trademark bullying is a significant problem. For $300 plus a few hours of attorney fees a large company with huge resources can file a cancellation or opposition. The small defendant cannot afford the $50,000 to $100,000 that it may cost to completely litigate such matters. Thus they have to capitulate. This is a form of legal extortion.	Yes	litigation fees, 50-100,000	n/a
40		n/a		
41		n/a		

	K	L	M	
44		n/a		
45		n/a		
46	Absolutely. In my case, the bully knew the mark and domain were not available. Right at the time they became aware of this (and had the ability to choose a different name or domain) they intentionally chose to try to financially steamroll over me and six similar companies – assuming they would prevail only because they had more financial resources to fight. Huge corporations intentionally trying to smother small businesses, with no/marginal legal merit is just WRONG, seems downright "un-American," and should be prevented. My only sibling, also a former corporate businessperson turned entrepreneur, received a ceast-and-desist letter from a multi-billion dollar corporation within the last year. 2 of 2 siblings would appear pervasive.	Yes		Yes. It is an excellent place companies, solely because it fight. Corporations absolut trademark assets and legitim numerous, and seemingly inc be outlawed, or perhaps have $XX,XXX was spent to protec recoverable, at least within th
47		Yes		

	K	L	M	
51		n/a		
52		n/a		
53	If this bully experience is any indication then yes. big companies and their big law firms can push the small businesses around	Yes		

	P	Q	R	S
1		Question 8 My immediate thought is that closer attention be paid by the USTPO as these proceedings progress and the USTPO get involved mid-stream with a "suggestion" that the two parties meet to resolve the issues. Again, I am not an attorney, but have been through a couple of legal disputes in both my personal life and professional career. In one personal example, I had a local judge that "strongly suggested that the two parties sit down and resolve our issues, or if he were forced to resolve the matter, neither party would be happy." We settled the matter rather quickly. I have found myself re-thinking this many times over the years, and I have to conclude that we had a wise judge in that case.	Yes	mediator
2		n/a	n/a	
3			n/a	
4		[. . .] . . . I suggest that the USPTO should monitor serial trademark opposer's and more proactively examine the viability of the claims under the lens of whether or not they have substance. This however would not provide any protection from over-reaching, and potentially frivolous, cease-and-desist threats. I don't have the answer here but there would need to be some way to connect trademark actions and cease-and-desist actions. At present the cease-and-desist threat is outside of the purview of the USPTO, lurking like a malevolent shark in murky waters.	Yes	monitor serial opposer's,examine claim
5	Trademark Gazette		n/a	n/a
6				

	P	Q	R	S
8		*Yes. I believe laws should be passed that do not allow trademarks to be issued for common names, titles and phrases. The next thing you know someone will trademark the term "Jesus Saves" and no one will be able to spread the word of God without threat of litigation (example).*	*Yes*	*no common name TM (Jesus Saves)*
9			n/a	
10	litigation tactics appear more pervasive in TM	The USPTO has a responsibility to do something to discourage or prevent trademark bullying. For a multi-billion dollar conglomerate such as Comcast, money damages may not be enough. Counsel who employs bullying tactics should be held accountable for such conduct by being subject to (1) Publication of their identities and their firm's identities and address, (2) subject to fines and for repeated offenders, (3) subject to suspension from practice before the TTAB	yes	attorney fees
11	companies scaring innocent w/litigation	infringement cases to ensure that their is some kind of commerical benefit at stake that is worthy of litigation first and foremost - or a sliding scale based on the corporations worth would be even better. Second, I think copyrights need to compare apples to apples. A bluegrass band in Vermont received a cease letter from a tea company because the name of their band was similar to a name of their tea. It's ridiculous. There should also be strict guidlines set forth on these third party trademark bounty hunter cyber cop ebezzling	yes	value restrictions on CR infringement cases - commercial benefit worth of lit, sliding scale on the corp. worth.
12	UDRPs	protecting a TM is not bullying and use of the term is offensive	No	TM Bully offensive
13	legal expenses		n/a	

	P	Q	R	S
16		. . Aligning incentives w/the proper use of trademark rights that respects the boundaries and purpose of trademark law . . . [more infomration attached]	yes	proper TM use
17	civil law aggressive	No, ultimately this issue should remain the responsibility of the judges who enforce trademark law	No	Responsibility of Judge who enforce TM law
18	Personal stats: 1 - 25	Yes, I believe the USPTO has a responsibility to discourage or prevent trademark bullying. I suggest the Trademark Office lobby Congress for amendment of Section 1117 or the Definitions section as mentioned in my answer to Question 4.	Yes	Amend Section 1117
19		Yes, the USPTO should protect the rights of all trademark owners, including small businesses, and prevent overreaching enforcement efforts. Helping to prevent bullying would facilitate achieving those goals.	Yes	provide SB info, reporting forum [ombudsman]

	P	Q	R	S
22			n/a	
23			n/a	n/a
24			n/a	n/a

	P	Q	R	S
25	no knowledge	I believe the USPTO could discourage or prevent trademark bullying by being the first stop for disputes over the use or misuse of trademarks. I do not know trademark law but perhaps when a trademark is issued caveats can be attached to the trademark which clarify the owners limits of reasonable use, e.g. the use of monster in the name "Monster Energy" should not limit the use of the word monster by other parties unless it is used in a context that directly challenges the ownership indicated on the trademark registration. The naming of a beer "Vermonster" does not fit the definition of a challenge or appropriation of the trademarked name "Monster Energy." Similarly, the challenge by Scotts to the use of certain colors on the label used by TerraCycle should have been immediately determined to be illigitimate because the challenge was based on the use of colors on the TerraCycle label that are pervasive in our environment and should not be "trademarkeable."	yes	Rock Art Brewery - Vermonster
26			n/a	
27			n/a	

	P	Q	R	S
29		Response: Yes. As an instrument for the public in general, the PTO should take into consideration in all opposition and cancellation proceedings the relative budgets and ability to present and support arguments. Many, many representatives for smaller businesses in particular do not have the knowledge and experience to go against a larger national firm. That does not make the small business wrong and should not mean the small business should lose. I applaud your efforts to avoid allowing the PTO to be a large corporation tool. Further, the PTO should be more sensitive to unregistered, common law rights and should be less proceduralistic. It should rely on more 'what is right' rather than 'who filed the proper paper or made the right statement in a document.' Just because procedural aspects make a decision easier is not a correct perspective. The facts should control, not the formalities, as it appears the PTO often tends.	Yes	Who is Right vs. Proper Paper Work
30		Yes. How will America's small businesses and its entrepreneurs flourish if large corporations can utilize misguided laws to stamp out any new businesses with good, economically potent ideas? This sort of tactic will be used more frequently as larger corporations grow and expand their scope of business. We suggest simplifying/clarifying the definition of "bullying" to protect small businesses and then instituting and enforcing legal measures to eliminate it.	Yes	Clarify def: bully to protect SB
31			n/a	

	P	Q	R	S
33			n/a	
34			n/a	
35			n/a	
36			n/a	
37			n/a	
38	huge	yes	yes	
39		The Trademark Office has a responsibility to do something. You could increase the filing fee for oppositions and cancellations substantially (e.g. $5000) but have a reduced fee (e.g. $2000) for small entities. Another possibility would be to go to a system where the losing plaintiff pays the defendant's costs.	yes	reduce fee for SB, attorney fees
40			n/a	
41			n/a	

	P	Q	R	S
44			n/a	
45			n/a	
46		A clear, preventive anti-bullying Act (perhaps like the Frisch's factors). If bullies are guilty, their case will be thrown out and fines/damages would be awarded	Yes	Anti-bully act attorney fees
		Yes, the USPTO should provide small businesses information on how to handle situations like these with information on their website, pressure those companies who are classified as bullies and have some sort of reprimand for those who continue these bullying actions.		provide SB info, reporting forum

	V	W	X	Y
1		Question 10		Question 11
2		n/a	n/a	I am not an attorney, simply a small businessman trying to rights. What I understand of the USTPO trademark oppos layman's terms, it is almost a self administered trial proce good faith, present their arguments and evidence to each becomes clear and/or obvious that the other party has pri wrong is supposed to concede. Here is an example of ho to work: http://ttabvue.uspto.gov/ttabvue/v?pno=9204473 proceeding, HUNT, still the same small private company, mark of a very large public company, Hubbell, whose sale year, and had retained the premier firm, Oblin, Spivik. Ag game here, but perhaps a company and law firm of highe case, we presented our evidence and very quickly, Hubbe cancelled their trademark and, furthermore, Hubbell actua for their infringement. This is how, I believe, it is suppose
3		n/a	n/a	n/a
4		It seems that there is a potential role here for the Small Business Administration to provide IP counsel before and after trademark applications. Most small business education and assistance hardly touches on what really happens to the small business entrepreneur in the trademark process and what protection it does or doesn't provide them, as well as the pitfalls that can accompany the whole process. Small business owners should realize that applying for a trademark may be the first step in a process that outs them out of business.	n/a	Yes, absolutely. If entrepreneurship is valued in the Unite companies should be given some sort of free pass to esta viability before being quashed by larger companies who w spectrum. There is plenty of room for small companies to viable market niches without negatively impacting establis case Raining Penguins was building a company with state an overarching environmental ideology. PEI Licensing, wi or other ideology than commerce for profit, serves a differ different niche, with different product, using a different nar but they decided that because we had the word 'penguin' Penguins, even though they had never used that name, th their trademarks and we should be put out of business. F customers in Japan told us that that in their opinion there confusion between the PEI Licensing, Perry Ellis Munsing
5	pro-bono, attorney fees or state appointed attorneys		Small Business Administration and IP counsel	
6			n/a	

	V	W	X	Y
8	*fines for repeat offenders*		n/a	*Yes. Pass the laws needed to put in place the above mer*
9			n/a	
10	issue Stays to TM cancelleation actions filed by TM bullies	Other agencies that should investigate bullying tactics should include the Federal Trade Commission, The Federal Communications Commission, Department of Justice, State Bars, State Attorney Generals, and the Federal Bar	Federal Trade Commission, Dept of Justice, State Bars, State Attorney Generals and the Federal Bar	Congress should enact legislation to deter conduct that is defined as "bullying" by levying sanctions and monetary fi their counsel who are found to employ such conduct. Fur offenders, Congress should consider suspension of couns from practice before the TTAB.
11		n/a	n/a	n/a
12	UDRPs not confused for court	The FCC and the FTC	FCC and FTC	I do not agree that it exists unless you consider defending
13	tort reform	Tort reform	n/a	I'm very much a capitalist but think too many lawyers and the works.
		The Bar Association should address (censure?)		

	V	W	X	Y
16	attorney fees	FTC -or- Computer & Communications Industry Association's has proposed that the federal Trade Commission is competent in tellectual property matters and well-positioned to police trademark misuse.	FTC and Computer & Communications Industry Associations	amend the Lanham Act
17	TM bullying is rare	Small business assistance agencies. Small business owners are, on the whole, less sophisticated about intellectual property matters than are larger corporations. These agencies could provide thorough information about intellectual property use and protection that could save owners a worthwhile amount of aggravation and legal fees. Further, these agencies could create funds that would assist small businesses with counsel and/or litigation expenses in instances where a small business has infringed upon the trademark rights of a trademark owner.	Small Business Administration	There would only be a responsibility if evidence exists bullying is a genuine problem, not just an extremely isolat
18	Title 15 - Bully tool Section 1117	?	n/a	Yes. I think Congress has a responsibility to do something trademark bullying. I suggest the Trademark Office lobby amendment of Section 1117 or the Definitions section. I
19	Courts should be fair/application of the law	The Department of Commerce, Customer and Border Patrol, Department of Justice, Fair Trade Commission, and all other agencies which directly or indirectly deal with intellectual property issues. For specifics suggestions, see Section III above	DoC, Customer and Border Patrol, DoJ, FTC (directly or indirectly deal w/IP issues)	Under the current rules and practices, small businesses a defending their trademarks, and plaintiffs have a great inc small risks – to extend or even overextend the reach of th much as possible

	V	W	X	Y
22				
23			n/a	
24				

	V	W	X	Y
				Congress should give the USPTO the power to bindingly disputes. The arbitration should be unbiased toward edhe should be based on trademark law.
25	attorney fees	(no constructive answer)		
26				
27				

	V	W	X	Y
				Yes. Congress took great steps when it passed the Lanh profits as a remedy under the logic of "making piracy unpr practice this has been watered down. Specifically, the rec the judicial system limiting profits to only when there is eit willfulness, or the like unnecessarily limit small businesse encourage larger wrongdoers. Specifically, even if profits not lopped in thirds by a federal judge under the congress company still appears incentivized to infringe because 99 larger company prevails for practical reasons and gets to profits. Perhaps a Qui Tam type of cause would lead to r
29		Response: I am considering this and have not yet developed a concrete recommendation	n/a	
30	fines for repeat offenders	We believe two areas need further attention: 1) coordination of the internet with federal trademark regulation; 2) strong coordination at the state level with federal trademark sytems and laws.	coordination of internet w/fed TM regulation and coordination at state levels w/fed TM systems/laws	Yes. Pass proper laws/legislation designed to protect the and investments of American small business; no other po able to control this problem (particularly the judicial) witho see #8 above. It seems very clear to us that without this small businesses will always be vulnerable to overwhelmi and costs instituted at the whim of any larger entity/corpo them as competition.
31			n/a	

	V	W	X	Y
33			n/a	
34			n/a	
35			n/a	
36			n/a	
37			n/a	
38	reject frivolous lawsuits		n/a	Yes. Many companies use the excuse that Trademark law enforce their trademark or lose it. This part of trademark l so that trademark holders have no excuse for this abuse.
39		At the least, congress can pass enabling legislation	Enabling legislation	
40			n/a	
41			n/a	

	V	W	X	Y
44		n/a		
45		n/a		
46		n/a		

	V	W	X	Y
51			n/a	
52			n/a	
53	USPTO reponsability		n/a	

	AA
1	Question 12
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6	w/attachements

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10	The USPTO should also add a page to their website identifying firms and counsel who have been found to employ "bullying" tactics and force all counsel in all subsequent pleadings and appearances before the TTAB to disclose trademark bullying counsel's name, address, and law firm name and address and require this continued disclosure for a reasonable period of time to deter such "bullying"
11	what the intent of the copyright is for, their rights, and what it protects. Receiving harrassing letters from individuals who believe they have the personal right to seize all property (even property they don't feel violates the law), embezzlement letters, and letters from various law practicioners whining abot their clients
12	The massive domain name economy and the cottage industry of UDNP will be illegal after my litigation that has made an interlocutory appeal to the Supreme Court that will be granted in tomorrow orders (10-6091)
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17	In the legal field, there will always be a select few parties who cross the line at good faith. However, agencies and legislators should not place unjustified limitations on the rest of the trademark owners who are simply trying to protect their valuable property.
18	Please read the Pig Stands dissent. It is a cohesive argument for federal rights granted by a Congress intent on protecting US businessmen from cavalier predation. That protection has been emasculated by a few judges who have redefined a single adjective.
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	AA
22	and bullied by a lawyer who represents a very large corporation in the renewable energy business. We are a very small company in the same business in VA and NC. They are licensed in other states but not in NC and/or VA. Their claim is we are infringing on the trademark and corporation name. I have attached here their letter to us in which he demands we terminate our legal Virginia corporation. This is a cease and desist letter. Their trademark is RES. We use the name Renewable Energy Systems LLC, which is registered in the state of VA. We use the initials RES on our letter head. We do not use any trademark symbol of "R" or "S" by these initials. We do not provide any documents without our full name of "Renewable Energy Systems LLC". You can see from our web site that we in no way compete with them in size or scope of work. We are a small private company working with residential customers with
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	AA
	I am not a small business owner and have never been directly involved in a trademark dispute. However, I am sympathetic to small businesses that are forced to choose between spending valuable resources defending their trademarks against deep-pocketed corporations or change their product name and risk losing brand recognition that they have built up through hard work. While there may be some cases where bullying is the prime motivation in challenging trademarks, I feel that in most cases the challengers are only doing what they feel is required by trademark law to "vigorously defend" their trademarks or risk losing them. The vagueness of the law causes corporations and their lawyers to be super cautious and challenge any instance of trademark similarities in even distantly related or unrelated businesses or vaguely similar wordings. They feel that they are "required" to make the challenge. In rare cases, such as Rock Arts/Vermonster trademark challenge, a letter-writing campaign caused the challenger to feel
25	that they had more to lose from negative pu
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	AA
	I feel strongly about these issues and have the small business type of experience right in this space. If you have more questions, want more information, or desire testimony, I am frequently at the PTO and would be more than willing to provide whatever support you might find helpful as I support
29	and applaud your efforts.
	Unfortunately the unfair reality of our own situation is such that our own business will not survive to enjoy whatever future protection you might create. We encourage your agency to take quick action in the hope that other small
30	businesses can avoid this fate.
31	
	Many of us have spent too much time and money defending and dealing with immaterial trademark issues, time and money that should have been used to grow our businesses. Thank you for your time in this survey and considering changes to protect small business but not take away the rights of other trademark owners. One of the problems is the cost of litigation in terms of dollars and time. Small business does not have much of either. Yet large business generally have a legal

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44	Under the general subject of "Trademark Bullying" we are undergoing a sort of "reverse bullying". We are the! I'm sure we are not the only ones that find ourselves in this situation, but thought you should be aware of it. The USPTO could give us SME's a little boost through either statements on their website about the enforceable rights of a trademark or references to case law which support "the little guy" (without actually giving legal advice - of course). Hope this helps with your study
45	
46	4) Consider financial sanctions against large companies that are large/impactful enough to "hurt" and "gain their attention" thus putting them on more even footing with the small companies they are abusing (i.e. perhaps in terms of % of a share point that they tried to unfairly protect). Additional scrutiny (and perhaps escalating fines) for repeat offenders. 3) Consider a high visibility/landmark case to send a message (e.g. the Kellogg case: 91196931) that you have a "zero tolerance for bullying" AND zero tolerance for bullies abusing the USPTO's time and effort for these malicious acts.
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	AA
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52	Thanks a bunch you lousy jerks
53	thanks for the chance to provide feedback.